

THE FRENCH MANDATE

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further step was taken with the creation of a Syrian Federation⁶⁴⁸ which included the States of Damascus, Aleppo and the⁶⁴² Alawis, but not those of Greater Lebanon and Jebel Druze.⁶³¹ The Federation was given wide legislative powers, exercised through a Federal Council composed of delegations elected by the Representative Councils which were established in the member-states. At its first meeting the Council elected as its President Subhi Barakat, an Antiochene of Turkish origin.

The Federation did not work satisfactorily. The States of Damascus and Aleppo desired a closer form of union, and certain elements in that of the Alawis one less close. In December, 1924, General Weygand, who had succeeded General Gouraud as High Commissioner in April, 1923, dissolved the Federation. As from January, 1925, the two States of Damascus and Aleppo were combined into a single State of Syria, of which the capital was Damascus and within which the Sanjaq of Alexandretta continued to possess a special régime. The State of the Alawis resumed its separate existence without any direct connexion with the new Syrian State.

Thus from the beginning of 1925 onwards the Mandated Territories were divided into four different political units: the State of Greater Lebanon, known later as the Lebanese Republic; the State of Syria, later called the Syrian Republic and including the partly-autonomous Sanjaq of Alexandretta; the State of the Alawis, known from 1930 as the Government of Latakia; and the Government of Jebel Druze. This organization continued unchanged until 1936, when Latakia and Jebel Druze were formally annexed to Syria; in 1939 they were again given almost complete autonomy, but in 1942 were once more attached to the Syrian State.

The judicial system was complex and not altogether satis-⁶⁷¹factory. Many although by no means all matters of personal⁶⁹² status—for example, marriage and divorce—continued to be subject to the jurisdiction of the tribunals of the religious communities. All other matters were subject to the jurisdiction of the civil courts, administering a system of law based partly upon Islamic jurisprudence and partly upon modern European codes. In cases in which only citizens of the Mandated Territories were concerned, the personnel of the courts was almost wholly indigenous. But cases involving citizens of foreign States or their interests were taken before the 'mixed

671 courts', of which the personnel was partly French and only
672 partly indigenous; this system replaced that of the 'capitulations' which had existed in the Ottoman Empire and of which the operation was suspended so long as the Mandate should continue.

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- 648 The declarations of Syrian and Lebanese independence in
642 1941 have been gradually followed by a partial extension of self-government. Although the Mandate has not yet been formally extinguished, strict Mandatory control no longer exists. During the years from 1918 to 1941, during which France exercised this control, her efforts were attended with some success, but in general met with failure.
- 185 Briefly stated, the achievement of France was to bring into existence in Syria and Lebanon some of the essential conditions which would make possible the transition from a medieval to a modern society. Law and order were firmly established, even in backward regions where civil government existed scarcely or not at all in Turkish days. The improvements which were effected in the system of
491 communications assisted this process. Good trunk-roads
185 now link the main towns, and subsidiary roads have opened up the countryside to motor-traffic. These and other improvements have served not only to increase the efficiency of government but also to diminish local differences and prejudices.
- 652 The system of public finance was reduced to some sort of
185 order. It was placed on a comparatively reasonable basis, although there are still serious flaws, as for example the regressive incidence of taxation. On the whole budgets balanced; and after the share of the French Mandated Territories in the Ottoman Debt was paid off in 1933 they had no public debt at all.
- 185 The improvements in public order and administration made possible an extension in the area of cultivation. The nomads were no longer allowed to raid the settled land, and were being gradually induced to become peasants. Some of the areas which they formerly dominated were thus opened up to agriculture; this was especially marked in the Syrian Jazirah.
- 185 For the first time for many centuries, the religious minorities
795 were treated on a level of full equality with the Sunni Moslems in all official matters, judicial and administrative alike. (Some

The Aqueduct Construction Agency in Italian East Africa

This agency was set up by the law of 1939 to construct, maintain and use water conduits and to set up other operations relating to the water supply and sanitation facilities of population centers. Several banks were members of this body, and an annual government contribution of 20,000,000 lire was provided. Another decree of the same date approved the constitution of this organization.

SYRIA

Syrian water legislation has followed the same evolution as that of Lebanon. During the period of the Ottoman Empire, the articles of the Majelle Code governed waters. Under the period of the French mandate, the two orders concerning public domain - No. 144/S dated 10 June 1925 and No. 320/S dated 26 May 1926, as well as Legislative Decree No. 288 dated 28 November 1942 which amended Article 25 of No. 320/S - both applied to Syria and Lebanon. These two decrees are still in force in Syria and have already been analysed in the section of this paper relating to Lebanon. Since Syria became completely independent, however, two new legislative decrees have partially amended or repealed a few articles of the preceding rules concerning water.

New Code of Liabilities

This new code of liabilities, enacted by Legislative Decree No. 148 dated 22 June 1949, stipulates, in Articles 731 to 735, penalties for infraction of clauses on water and has supplemented the above-mentioned order No. 144/S. These articles state:

"Imprisonment not exceeding one year or a fine up to 250 Syrian pounds, or both, is inflicted upon any person who, without special authorization, commits the following:

1. "the exploitation of underground water or artesian wells, unless it is intended to dig new wells on private property to a depth less than 150 meters;
2. "the execution of any excavations near water canal borders or any drainage systems at a distance less than

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the depth of those excavations, in any case at a distance less than three meters;

3. "the taking of any stones, earth, sand, trees, shrubs or plants from river banks, from permanent or temporary canals or from lakes, ponds or swamps;
4. "the planting of trees or seeds or the placing of anything on the shores of lakes, ponds or swamps, on permanent or temporary canal banks, on passages in between, on any drainage systems or on any authorized, constructed public utility pipes;
5. "the infraction of any sort on the shore of any water source, on permanent or temporary river canals, on swamps, ponds or lakes, on the river canal borders or on public utility drainage pipes;
6. "the prevention of the free flowing of public water;
7. "any permanent or temporary action affecting the quantity and flowing capacity of water (Article 731).

"Any person who, without authorization, organizes new permanent or temporary water canals, or deepens or fills in those already in existence shall be fined according to the provisions or the previous article (Article 732).

"Two years in prison and a fine of 250 Syrian pounds are imposed on any person who destroys or converts all or any of the permanent water establishments with the intent of benefiting from these public waters (Article 733).

"The same fine is imposed on any person who:

1. "throws into any authorized water canal any liquids or materials harmful to public health or the free flowing of the water;
2. "spreads animal manure on any of the land situated within the area delimited by the government for the safeguarding of any water source;
3. "causes any destructive action such as dirtying water sources used for drinking (Article 734).

"Anyone who intentionally dirties any drinking water source is to be imprisoned for from one to three years and shall pay a fine of from 25 to 300 Syrian pounds" (Article 735).

New Taxation on Irrigated Lands

A new legislative decree, No. 34 dated 30 December 1951, amends Articles 2, 3, 4, 6 and 8 of law No. 467 dated 21 February 1949 which imposed an annual tax on land irrigated by state irrigation systems. The new decree reads as follows:

"This tax is applied per hectare in the following manner:

Area of Irrigated Land	Khabour Misrib and Semn Irrigation System	Homs and Hama Irrigation System	Matkh Irrigation System
	L.S.	L.S.	L.S.
Up to 5 hectares	20	15	5
From 5 to 25 hectares	25	20	7.5
From 25 to 50 hectares	40	30	10
Over 50 hectares	50	40	15

"Such tax shall be reduced by half after a lapse of ten years from its first year of application.

"It should be calculated on the whole area held by the taxpayer, whether individually or in partnership with others, with reference to the land irrigated by one and the same irrigation system. The tax on a fraction of a hectare shall be proportionate to the tax on a whole hectare.

"The tax shall take effect on the first day of the year following the year in which the water is brought to the land subject to the tax, even though such water has not been used.

"The term 'Engineer-in-Chief of the region' in Article 8 of Law No. 467 shall be replaced by 'Engineer-in-chief of the hydraulics service of the region' (Article 2).

"The following paragraph is added to Article 6 of Law 467: